

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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NANCY KOWALSKI, *on behalf of herself and all*
others similarly situated,

Plaintiff,

v.

APPLE REIT TEN, INC., APPLE REIT NINE, INC.,
DAVID LERNER ASSOCIATES, INC., DAVID
LERNER, GLADE M. KNIGHT, BRYAN PEERY,
KENT W. COLTON, GLENN W. BUNTING, R.
GARNETT HALL, JR., RONALD A. ROSENFELD,
ANTHONY FRANCIS "CHIP" KEATING, III, LISA
B. KERN, BRUCE H. MATSON, MICHAEL S.
WATERS, AND ROBERT M. WILY,

Defendants.
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CV11-2919 (JAM)(JO, M.J.)

**PUTATIVE CLASS MEMBER ROBERT LUBIN'S NOTICE OF MOTION FOR
APPOINTMENT AS LEAD PLAINTIFF AND APPROVAL OF SELECTION OF LEAD
COUNSEL**

PLEASE TAKE NOTICE that class member and lead plaintiff movant Robert Lubin ("Lubin" or "Movant"), by and through his counsel, will move this Court on a date and at such time as may be designated by the Court, at 225 Cadman Plaza East, Brooklyn, New York, for an order: (i) appointing Movant as lead plaintiff in this action pursuant to Section 27(a)(1) and (a)(3)(B) of the Securities Act of 1933 (the "Securities Act"), 15 U.S.C. §§ 77z-1(a)(1) and (a)(3)(B), as amended by the Private Securities Litigation Reform Act of 1995; (ii) approving Movant's selection of the law firm of Scott+Scott LLP to serve as lead counsel for the class pursuant to Section 27(a)(3)(B)(v), 15 U.S.C. §77z-1(a)(3)(B)(v); and (iii) granting such other and additional relief as the Court may deem just and proper.

This motion is made on the grounds that Movant has timely filed this motion, suffered significant financial losses resulting from defendants' alleged misconduct and qualifies as the "most adequate plaintiff" under the Securities Act.

In support of this motion, Movant relies upon the memorandum of law and declaration of Joseph Guglielmo submitted herewith, as well as the pleadings and other files herein and such other written or oral arguments as may be permitted by the Court at the hearing of this motion.

DATED: August 16, 2011

Respectfully submitted,
SCOTT+SCOTT LLP

/s/ Joseph P. Guglielmo
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– and –

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*Proposed Lead Counsel for
Proposed Lead Plaintiff*

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Counsel for Proposed Lead Plaintiff

CERTIFICATE OF SERVICE

The undersigned certifies that on August 16, 2011, a true and correct copy of the foregoing was electronically filed with the Clerk of the Court for the Eastern District of New York using the CM/ECF system. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's CM/ECF system.

/s/ Joseph P. Guglielmo
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